

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

January 27, 2000

- C030437 THE PEOPLE v. SHAVER (Not for Publication)**
The judgment is modified to reverse the conviction for possession of methamphetamine. (Health & Saf. Code, § 11377, subd. (a).) As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment and forward a certified copy to the Department of Corrections.
MORRISON, J.
We concur: Scotland, P.J.
 SIMS, J.
- C030916 THE PEOPLE v. ARCUSA (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
 Callahan, J.
- C033016 HOPSON v. WORKERS' COMPENSATION APPEALS BOARD; CITY OF SACRAMENTO FIRE DEPARTMENT**
With the following exception the award is affirmed. The sentence in the WCAB's opinion and order denying reconsideration, "Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate herein by this reference, we will deny reconsideration," is amended to read: "Based on our review of the record, and, except for his remarks concerning the date of injury, for the reasons stated in the WCJ's Report, which, with that exception, we adopt and incorporate herein by this reference, we will deny reconsideration." (See American Can Co. v. Industrial Acc. Com., supra.)
The widow shall recover her costs on these proceedings.
BLEASE, Acting P.J.
We concur: Sims, J.
 Davis, J.

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The Minutes

January 27, 2000 continued

- C030677 THE PEOPLE v. HUNTSMAN (Not for Publication)**
The firearm enhancement is stricken as described above. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
Callahan, J.
- C029143 THE PEOPLE v. HARRISON (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Davis, J.
- C031983 NESEMANN v. BLUE OAK DENTAL GROUP et al. (Not for Publication)**
The judgment is reversed in part and the matter is remanded with directions to enter a new order denying the motion as to the defamation cause of action, and to proceed thereafter in accordance with this opinion. The judgment is affirmed as to the implied-covenant cause of action. The plaintiff shall recover costs of appeal.
DAVIS, J.
We concur: Blease, Acting P.J.
Callahan, J.
- C032808 THE PEOPLE v. HANKE (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
Hull, J.
- C032257 NEWELL v. GOURLEY, as Director, etc. (Not for Publication)**
The judgment is reversed with directions to deny the writ. The DMV shall recover costs of appeal.
DAVIS, Acting P.J.
We concur: Callahan, J.
Kolkey, J.

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The Minutes

January 27, 2000 continued

C030351 THE PEOPLE v. BROWN (Not for Publication)
The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Callahan, J.

January 28, 2000

C024976 THE PEOPLE v. TACHQUIN (Not for Publication)
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Sims, J.
 Davis, J.

C029656 THE PEOPLE v. FISCHER (Not for Publication)
The judgment is affirmed.
 SIMS, Acting P.J.
We concur: Raye, J.
 Kolkey, J.

C030337 THE PEOPLE v. CARGILE (Not for Publication)
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Davis, J.
 Raye, J.

C029459 THE PEOPLE v. McMICHAEL (Not for Publication)
The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that defendant was sentenced to a concurrent term of six months on count III, child endangerment, and to forward a copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Blease, J.
 Callahan, J.

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January 28, 2000 continued

- C028840 THE PEOPLE v. HUCKABEE (Not for Publication)**
The judgment is affirmed.
 KOLKEY, J.
We concur: Sims, J.
 Callahan, J.
- C029903 LIME SADDLE MARINA v. DI DUCA CONSTRUCTION (Not for Publication)**
The judgment is affirmed. Lime Saddle shall receive its costs on appeal.
 SIMS, Acting P.J.
We concur: Callahan, J.
 Hull, J.
- C032732 ROSS et al. v. MALIK (Not for Publication)**
The judgment is affirmed. Respondent shall recover his costs on appeal.
 KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.
- C030683 FOREMOST INSURANCE CO. v. DANIELS (Not for Publication)**
The judgment is affirmed. Foremost shall receive its costs on appeal.
 KOLKEY, J.
We concur: Scotland, P.J.
 Davis, J.
- C030903 COUNTY OF SACRAMENTO v. WORKERS' COMENSATION
 APPEALS BOARD AND GLENNIE WEATHERALL, ETC. (Certified for Publication)**
The decision of the Board is annulled and the matter remanded for further proceedings consistent with this opinion. County shall recover its costs in pursuing this petition.
 MORRISON, J.
We concur: Davis, Acting P.J.
 Raye, J.

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January 31, 2000

- C031946 THE PEOPLE v. ATWOOD (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Davis, J.
- C031049 WILKINS et al. v. DEPARTMENT OF TRANSPORTATION (Not for Publication)**
The judgment is affirmed.
 SIMS, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C032631 In re ROBERT P.; THE PEOPLE v. ROBERT P. (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C030690 THE PEOPLE v. VASQUEZ (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Blease, J.
- C031797 THE PEOPLE v. WASHINGTON (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Blease, J.
- C030709 THE PEOPLE v. HOBBS (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Davis, J.

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January 31, 2000 continued

C030635	THE PEOPLE v. SCOTT The judgment is affirmed. CALLAHAN, J. We concur: Blease, Acting P.J. Davis, J.	(Not for Publication)
C029406	O'CONNOR v. STATE TEACHERS RETIREMENT SYSTEM et al. The judgment is affirmed. CALLAHAN, J. We concur: Sims, Acting P.J. Kolkey, J.	(Not for Publication)
C029263	THE PEOPLE v. FOSTER The judgment is reversed. BLEASE, Acting P.J. I concur: Kolkey, J. I concur in the result: Callahan, J.	(Not for Publication)
C031419	DEAN v. O'LEARY The order appealed from is affirmed. CALLAHAN, J. We concur: Nicholson, Acting P.J. Kolkey, J.	(Not for Publication)
C032880	In re ANDREW R.; DEPARTMENT OF HUMAN SERVICES v. TUYET R. The appeal is dismissed. BLEASE, Acting P.J. We concur: Davis, J. Hull, J.	(Not for Publication)
C032383	In re CHRISTOPHER S.; THE PEOPLE v. DOLORES S. The judgment is affirmed. MORRISON, J. We concur: Sims, Acting P.J. Nicholson, J.	(Not for Publication)

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February 1, 2000

- C030853 THE PEOPLE v. SPANGLER (Not for Publication)**
The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Kolkey, J.
- C031081 THE PEOPLE v. NEVELS (Not for Publication)**
The judgment of conviction is affirmed. The trial court is directed to prepare and send to the Department of Corrections a new abstract of judgment reflecting the correct number of enhancements for prior prison terms as discussed in Part XI of the discussions.
 NICHOLSON, J.
I concur: Morrison, J.
I concur in the judgment except as to parts II and III of the Discussion, as to which I concur in the result.
 Blease, Acting P.J.
- C028698 HELIX ELECTRIC, INC. v. SACRAMENTO REGIONAL TRANSIT DISTRICT et al. (Not for Publication)**
The judgment is affirmed. District shall recover costs on appeal.
 RAYE, J.
We concur: Davis, Acting P.J.
 Callahan, J.
- C032260 In re JEREMIAH S.; HUMAN SERVICES AGENCY v. ALLEN S. et al (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 HULL, J.

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February 2, 2000

- C029793 THE PEOPLE v. MENDEZ (Not for Publication)**
The judgment is affirmed.
 DAVIS, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C028376 THE PEOPLE v. GROGAN (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Hull, J.
- C032037 BROWN v. FIRST INTERSTATE/WELLS FARGO BANK et al. (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, Acting P.J.
We concur: Morrison, J.
 Callahan, J.
- C030281 In re the Marriage of KNAPP (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Nicholson, J.
- C029907 THE PEOPLE v. TRINH (Not for Publication)**
The judgment is modified to award defendant **705** days of actual presentence custody credit, plus 105 days of conduct credits, for a total of **810** days. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Kolkey, J.

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FEBRUARY 2, 2000 CONTINUED

C029518 THE PEOPLE v. ACE and CAROL NOLAND

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Raye, J.

Callahan, J.

February 3, 2000

C034087 CARPENTER v. FALL RIVER JOINT UNIFIED SCHOOL DISTRICT et al.

The court having examined the notice of appeal and having determined that the order appealed from is nonappealable, the appeal filed October 27, 1999, is dismissed.

SCOTLAND, P.J.

C034304 KESSEL et al. v. CITY OF REDDING et al.

On the court's own motion the appeal filed November 30, 1999, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3d 1072.)

SCOTLAND, P.J.

C033876 In re SETH M.; KATHERINE B. v. KELLY M.

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Davis, J.

Callahan, J.

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February 4, 2000

THE PEOPLE v. BOX
THE PEOPLE v. BOX

The appellant's opening brief of Donald Box is due on or before 30 days after the filing of the augmented record. The respondent's and cross-appellant's brief of The People is due 30 days thereafter. Appellant's reply and cross-respondent's brief is due 30 days thereafter. The cross-reply is due 20 days thereafter.

C031809 In re TORRI L.; HUMAN SERVICES AGENCY v. KIM R.

The dispositional orders are affirmed.

We concur: Blease, Acting P.J.
 Hull, J.

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February 4, 2000 continued

Blease, J.